

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

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MARYLAND SHALL ISSUE, INC., :
et al., :
: Case No:
Plaintiffs : 16-cv-3311-MJG
:
-vs- : Pages 1 - 109
:
LAWRENCE HOGAN, in his :
capacity of Governor of :
Maryland, et al., :
:
Defendants :
-----X

Deposition of James Johnson
Baltimore, Maryland
Tuesday, March 13, 2018

Reported by: Kathleen M. Vaglica, RPR, RMR
Job No: 390081

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1 that?

2 A. I did not prepare the document. However,
3 I was involved in dialogue with Ms. Katz on one or
4 more occasions over the last several months that I
5 believe was used to help identify the areas that I
6 could address.

7 Q. All right. This says you were a hybrid
8 fact and expert witness. Can you tell me what that
9 means to you?

10 A. I cannot help out with hybrid fact. I do
11 believe, though, that I possess an extensive amount
12 of knowledge of local and national gun law, efforts
13 to address current state and federal laws that
14 regulate purchasing, possessing guns.

15 I have testified extensively on the gun
16 issue in Maryland's legislature. I have written on
17 the topic for the past seven years and read
18 significant material related to the gun issue.

19 Q. Do you have a list of your published
20 articles on the area of gun policy?

21 A. No.

22 Q. Do you have them with you in the box?

1 We've addressed gun violence restraining
2 orders recently and provided detail of what, as an
3 organization, we felt was necessary. Keep in mind
4 that organization, the gun partnership, represents
5 the nine leading and largest law enforcement
6 management organizations nationwide, so we speak on
7 behalf of those organizations.

8 Q. All right. And in terms of the training
9 that the Law Enforcement Partnership recommends for
10 would-be gun owners, you said there's no specific
11 hours that you recommend; is that correct?

12 A. No, I don't recall actually placing a
13 number of hours. It's more the skills, and it's up
14 to each state to decide what's reasonable.

15 Q. And does the Law Enforcement Partnership
16 recommend a live fire component of such training?

17 A. We have not addressed a live component
18 exercise.

19 Q. Now, has the Law Enforcement Partnership
20 recommended fingerprinting prior to the purchase of
21 handguns?

22 A. We have not addressed fingerprinting, but

1 I would add that I strongly believe, as chairman of
2 the organization, both measures are reasonable
3 before one is issued, you know, license to purchase
4 a weapon.

5 Q. By both measures are you saying
6 fingerprinting and training?

7 A. I do believe that they are reasonable,
8 yes.

9 Q. But there is no publication by the Law
10 Enforcement Partnership recommending fingerprinting?

11 A. No.

12 Q. And there's no publication by the Law
13 Enforcement Partnership recommending a permit to
14 purchase scheme; correct?

15 MS. KATZ: Objection.

16 THE WITNESS: I do believe you're going to
17 find documents in the file that indicate states that
18 have licensing training do show a decrease in gun
19 violence. We have used Dan Webster's material
20 extensively to develop our position, his research.

21 BY MR. SWEENEY:

22 Q. Well, what I'm asking, is there any

1 Maryland?

2 A. I can't recall seeing a report of an
3 individual who used false identification to buy a
4 weapon. I have seen several reports of individuals
5 who bought weapons under a straw purchasing scheme.

6 Q. We'll get to that in a moment, but let's
7 focus now on false identification. Other than these
8 conversations you've had with gun squads, you have
9 no information at all about false identification
10 purchase of handguns in Maryland; correct?

11 MS. KATZ: Objection as to form. You can
12 answer, if you can.

13 THE WITNESS: I do not possess statistics
14 on the prevalence of false identification used.

15 BY MR. SWEENEY:

16 Q. So you're not in a position to say that
17 the initiation of the HQL application fingerprinting
18 process in 2013 has made any difference on the
19 extent to which individuals are able to purchase
20 handguns with false identification in Maryland?

21 MS. KATZ: Objection to the form. You can
22 answer.

1 adult life that individuals are very concerned about
2 the government possessing their fingerprints for
3 various reasons that they'll have to explain.

4 Q. And that's true for all Maryland citizens;
5 correct?

6 MS. KATZ: Objection as to form. You can
7 answer, if you can.

8 THE WITNESS: I can't answer that.

9 BY MR. SWEENEY:

10 Q. Now, do we have any information as to
11 whether or not the fingerprinting requirement has
12 caught anyone who was a straw purchaser?

13 MS. KATZ: Objection to form. You can
14 answer.

15 THE WITNESS: I don't possess that
16 information.

17 BY MR. SWEENEY:

18 Q. All right. Do you have any data on the
19 extent to which straw purchases of handgun occurred
20 in Maryland prior to the Handgun Qualification
21 License requirement being initiated?

22 A. Yes.

1 can answer, if you know.

2 THE WITNESS: I don't know if they are
3 trained to. I would hope, I would think that most
4 responsible gun owners that take the initiative to
5 be a trainer have pride in their work, and they
6 don't want to see someone that shouldn't have a
7 weapon obtain one.

8 BY MR. SWEENEY:

9 Q. So, if an individual passes a NICS check,
10 passes the additional Maryland State Police
11 background check, including any incidence of
12 commitment to a mental institution or adjudication
13 of mental defectiveness, the Handgun Qualification
14 License you expect will weed out more individuals
15 based on mental incompetence because the instructors
16 in the training program will weed them out; is that
17 what you're saying?

18 MS. KATZ: Objection.

19 THE WITNESS: I do believe that's the
20 case, yes.

21 BY MR. SWEENEY:

22 Q. And do you know if the Maryland State

1 Police has issued any guidelines or standards for
2 the instructors to use in that regard?

3 A. I do not know.

4 Q. Do you know if there are any written
5 instructions that the instructors are expected to do
6 that with the individuals who they train?

7 A. I do not know.

8 Q. So do you have anything other than a hope
9 that this would occur to support your opinion that
10 the training will weed out such individuals?

11 A. I've been around gun, guns, trainers,
12 educational range process for over 40 years, and
13 it's been my experience that individuals that take
14 the time and effort and the initiative to become
15 knowledgeable about weapons and go so far as to take
16 the additional step to become a trainer, which is
17 quite advanced, I would have confidence that that
18 individual would call someone out that obviously
19 suffered from an impairment or a condition that
20 alarmed them. I do not think they would pass that
21 individual on.

22 I feel strongly about that. I think they

1 would. I base that on my nearly 40 years of
2 experience dealing with weapons, firearms, ranges,
3 gun shops, gun shop owners.

4 Q. Do you have any facts or data that
5 indicate on how many occasions such individual with
6 impairments or other conditions that make them
7 unsuitable to be a gun owner purchased handguns in
8 Maryland prior to the Handgun Qualification License
9 being initiated?

10 MS. KATZ: Objection as to form, but you
11 can answer, if you know.

12 THE WITNESS: No, I do not.

13 BY MR. SWEENEY:

14 Q. And I take it you also don't have any such
15 data or information about incidents in which such
16 individuals have or have not been able to obtain
17 handguns after the Handgun Qualification License?

18 A. No, I do not.

19 Q. What do you understand the Handgun
20 Qualification License training program consists of
21 precisely?

22 A. An overview of Maryland law regarding when

1 more significant in its scope and certainly
2 information when you're taught that by another
3 individual.

4 Q. Do you have any studies of the behavior of
5 straw purchasers that would support your opinion in
6 this regard?

7 A. No.

8 Q. The second topic of testimony is
9 investigate the origins of firearms used in crime in
10 Baltimore County. What information do you have
11 about the origins of firearms used in crime in
12 Baltimore County?

13 A. We would track the use of firearms on a
14 regular, you know, yearly basis. We determined
15 individual crimes, what type of weapon was used. We
16 worked closely with ATF in tracing systems. I was
17 instrumental in developing a gun squad in the
18 Baltimore County Police Department that tracked the
19 use of weapons and crimes of violence, illegal
20 purchasing of weapon, illegal purchases of
21 ammunition, and then actually targeting known
22 prohibited individuals that were believed to be or

1 with the training that's offered under the Handgun
2 Qualification License?

3 A. No. In my notes I'm sure it details the
4 elements of the training.

5 Q. All right. Now, item 6 mentions training
6 on safe handgun use and storage practices can
7 prevent accidental gun injury and death; correct?

8 A. Mm-hmm.

9 Q. Do you have any information, any data on
10 the prevalence of accidental gun injury and death
11 prior to the initiation of the Handgun Qualification
12 License in Maryland?

13 A. My data would be national. Again, this is
14 an area that I could likely answer by taking
15 extensive time and conducting research into Maryland
16 specifically. Across the nation today, it is
17 accepted that over 100,000 individuals are injured
18 either accidentally or in crimes of violence, 12,000
19 individuals killed by homicide.

20 The cost of firearms violence in America
21 today, there's a Police Executive Research Forum
22 Study that indicates in six cities alone in a

1 one-month period of time the cost is \$38 million as
2 a result of gun violence and accidental or suicide
3 by use of guns. I believe this training could help
4 address one or more of those areas.

5 Q. Can we try to pull apart your
6 understanding of the prevalence of accidental gun
7 injury and death as opposed to the other categories
8 of intentional criminal acts and suicide?

9 A. I can tell you, as a police officer, I've
10 handled a number of accidental discharges involving
11 children and/or adults. I'll bring your attention,
12 just last within the last 24 hours in Harford County
13 an individual cleaning his gun shot and killed
14 himself. It's quite common. It's quite frequent to
15 have accidental gun discharges. Again, even amongst
16 police officers, it's not an infrequent event.

17 Q. Can you point to any data that quantifies
18 quite common and quite frequent? How many
19 accidental shootings are occurring each day, each
20 year in this country?

21 A. I believe that material is available. I
22 do not possess it. Again, it would require

1 research, time, and resources.

2 Q. Which you have not done in advance of your
3 opinion in this case?

4 A. No, sir.

5 Q. All right. And you also don't have any
6 such information specifically about Maryland;
7 correct?

8 A. That's correct.

9 Q. Item 7 of your testimony talks about the
10 live fire requirement. We already discussed that.
11 Is there anything else about your opinion with
12 respect to the live fire requirement that you'd like
13 to address?

14 A. Well, personally, I think just firing one
15 round is not adequate, but I do not think the
16 requirement to show proficiency in discharging a
17 round is unreasonable. Again, I would draw your
18 attention to the process of actually chambering a
19 round, which is an exercise in and of itself. And,
20 you know, the average individual that's new to guns,
21 I think, would struggle working that mechanism of
22 the weapon, and I'm sure that's a necessary

1 30 seconds I could have prevented. I just don't
2 know.

3 BY MR. SWEENEY:

4 Q. All right. Is it the case that Baltimore
5 County police cannot always respond and do not
6 always respond to reports of home invasions in
7 Baltimore County in time to prevent any harm
8 occurring to the homeowners and other lawful
9 occupants?

10 MS. KATZ: Objection as to form, but you
11 can answer, if you know.

12 THE WITNESS: I'm comfortable in stating
13 that there may be one or more cases where a
14 homeowner or individual was harmed because the
15 officer got there 5.20 seconds instead of three
16 minutes. I suppose you could find a case like that.

17 BY MR. SWEENEY:

18 Q. Do you have any data one way or the other
19 on that?

20 A. No. No.

21 Q. Do you know how often firearms are used
22 defensively by citizens in Baltimore County?

1 A. I have no data.

2 Q. All right. And do you have any
3 information on the extent to which handguns are used
4 in self-defense in Baltimore County?

5 A. I have no data, but I'm aware of specific
6 circumstances.

7 Q. Okay. In your experience, are handguns
8 used in self-defense more frequently than long guns
9 in Baltimore County?

10 A. Yes.

11 Q. Can you estimate the percentage?

12 A. I'd say probably 70 percent of the cases
13 handguns are used.

14 Q. All right. Is there any difference in the
15 Baltimore County's average response time for a home
16 invasion, a burglary, or a domestic violence event?

17 MS. KATZ: Objection as to form, but you
18 can answer, if you know.

19 THE WITNESS: Ask the question again.

20 BY MR. SWEENEY:

21 Q. Sure. We talked about you thought it was
22 about a four-minute average response time for a

1 Q. Do you have any data on how often
2 homeowners have had to use handguns to protect
3 themselves in their homes?

4 A. No.

5 Q. Do you believe the constitution protects
6 the right of law abiding citizens to engage in armed
7 self-defense in the home?

8 MS. KATZ: Objection as to form. You can
9 answer.

10 THE WITNESS: I believe state law allows
11 one to protect themselves in their home, yes.

12 BY MR. SWEENEY:

13 Q. All right. And you don't have an opinion
14 one way or the other what the constitution provides?

15 MS. KATZ: Objection.

16 THE WITNESS: No.

17 BY MR. SWEENEY:

18 Q. All right. Do you ever swear an oath to
19 uphold the constitution?

20 A. I have.

21 Q. All right. And do you have any
22 understanding what the Second Amendment comprises?

1 any greater need to defend themselves with handguns
2 in the home than law abiding citizens?

3 A. No.

4 MS. KATZ: Objection as to form.

5 BY MR. SWEENEY:

6 Q. I think we talked generally about the
7 frequency that handguns are used in crime in
8 Baltimore County. Do you have any data with respect
9 to how often or what percentage of crime guns are
10 handguns in Baltimore County?

11 A. No.

12 Q. And do you have any data on the percentage
13 of handguns that are crime guns that are not
14 illegally owned or possessed at the time they are
15 used in crime?

16 A. In Baltimore County?

17 Q. Yes.

18 A. No.

19 Q. How many in Maryland generally?

20 A. Not in Maryland, no.

21 Q. Do you have any information about how many
22 Baltimore County officers were shot by legally

1 purchased handguns?

2 A. Yes. It's not in the file, but those are
3 records that are retrievable.

4 Q. All right. As you sit here today, do you
5 have any recollection of how often Baltimore County
6 police officers have been shot by legally purchased
7 handguns?

8 A. I'm aware of four incidents.

9 Q. Do you have any information as to whether
10 or not handgun crimes in Baltimore County have
11 decreased since the Handgun Qualification License
12 went into effect?

13 A. I have no information.

14 Q. Or for Maryland statewide do you know
15 whether or not handgun crimes have decreased since
16 the HQL went into effect?

17 A. No.

18 MR. SWEENEY: Why don't we take another
19 break.

20 MS. KATZ: Okay.

21 (Whereupon, a lunch recess was taken from
22 12:12 to 12:57 p.m.)